

OLC RECORD COPY

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16 June 1978

MFR

STAT MEMORANDUM FOR: [ ] Chief  
General Law Division  
Office of General Counsel

STAT FROM: [ ] Jr., Chief  
Legislation Staff  
Office of Legislative Counsel

SUBJECT: H.R. 9998, the "Ocean Shipping Act of 1978"

1. The attached bill now before the House Committee on Merchant Marine and Fisheries concerns control of shipping rates by "controlled carriers," which according to the provisions of section 2 on page 6 include foreign flag carriers. Generally we would not be concerned about this sort of legislation. Please note, however, on page 8, paragraph (3) would authorize the Federal Maritime Commission to obtain from any Government agency other than IRS any "data relating to the cost of performing ocean transportation." The Commission would be able to obtain access to this information "notwithstanding any other provision of law."

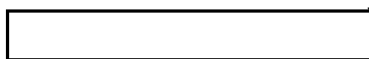
2. I have asked NFAC to let me know whether we maintain or analyze information relating to "ocean transportation" in the broadest sense of the term such that the Federal Maritime Commission could demand access thereto.

3. Although paragraph (3) on pages 8 and 9 includes the introductory provision "notwithstanding any other provision of law," there is at the end of the paragraph a "national security" exemption. If in fact there is a real or potential problem relating to demands by the Federal Maritime Commission for access to our information under this legislation, the question is would the national security exemption provide sufficient grounds for us to refuse access. In my view it would, but it would certainly be a much more comfortable situation if the legislation provided in addition that "intelligence sources or methods" were specifically mentioned. I would appreciate your opinion.

4. The Director received today a formal request asking if this bill would alter existing statutory authority regarding access to documents under the control of the CIA. We have been given a suspense date of 20 June, as the bill is scheduled to be marked up by the House Committee on 22 June. Therefore, I would appreciate your comments by COB Monday, 19 June. Sorry for the short deadline.

STAT

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Attachments

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